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RESPONSES TO COMMENTS ON THE DRAFT STANDARDIZED HAZARDOUS WASTE FACILITY PERMIT FOR EVERGREEN OIL, INC. – SANTA MARIA

Evergreen Oil, Inc. (formerly known as "Evergreen Environmental Services") operates a hazardous waste facility in Santa Maria, California that stores and transfers used oil, waste antifreeze, non-RCRA wastewater, and solids contaminated with oil. The Santa Maria facility was issued a Standardized Hazardous Waste Facility Permit (Standardized Permit) by DTSC on December 30, 1997. On December 29, 2006, Evergreen Oil, Inc. submitted an application to renew its Standardized Permit. DTSC reviewed the permit application and prepared a draft Standardized Permit. DTSC also proposed to issue a Notice of Exemption to comply with the California Environmental Quality Act (CEQA).

On July 2, 2008, DTSC published a public notice in the Santa Maria Times (an English language newspaper) and the El Tiempo (a Friday-only Spanish language newspaper) on July 4, 2008 to announce the start of a 45-day public comment period to solicit comments on the Draft Permit. Copies of a fact sheet (in English and Spanish) were mailed to the facility mailing list. A paid public notice announcing the public comment period was aired on a local radio station. The public comment period ended at 5 pm on August 15, 2008. Public comments were received by electronic mail and postal mail.

During the public comment period, DTSC received written comments from Mr. Phil Chandler.

This document responds to those comments received during the public comment period. DTSC excerpted the written comments received. The person who made the comments is identified and his comments are shown in italics and listed after the person's name. DTSC's response to each comment is follows:

Commentor #1: Phil Chandler

Comment #1-1:

The permit is described as consisting of "Attachment A", which is 28 pages long, a standardized permit application, dated December 29, 2006, which is "... hereby made

part of this permit by reference." Only "Attachment A" is provided to the public as part of the review documents. This is an inappropriate and deceptive practice on the part of DTSC. Although DTSC touts transparency, it consistently fails to deliver as part of its permitting practice. Note, that reference to Envirostor, as suggested in the Public Notice, comes up with zero records. It is requested that this draft permit be re-noticed and all parts of the permit provided on-line, as would be reasonable and appropriate for a "transparent" agency.

Response #1-1:

DTSC disagrees with the comment that it is "inappropriate and deceptive practice" in providing only Attachment A to the public as part of the review documents. Attachment A is the Hazardous Waste Facility Permit. Part III.1 of the Permit clearly states that the Standardized Permit Application is made a part of the Permit by reference. DTSC has made the Standardized Permit Application, as well as the draft permit, for review and comment during the public comment so that the public has access to all relevant information that is included in the permit making decision. The draft CEQA Notice of Exemption was also available for review. Members of the public have access to the documents at the repositories identified by DTSC in the public notice. The Notice of the public comment period of the draft permit decision, which is posted on the website, provided the public with information as to where these documents were available for review. None of the details of the draft permit are "concealed" and the entire permit, including incorporated and supporting documents, are available for public review.

The commentor also stated that his accessing the Envirostor came up with zero records. That is not true. Many documents, such as the current Hazardous Waste Facility Permit, the draft Hazardous Waste Facility Permit, the fact sheets (English and Spanish), the public notice (English and Spanish), the Notice of Deficiencies, the Technical Completeness letter, were posted on Envirostor since July 3, 2008.

Comment #1-2:

Please explain the regulations that distinguish between the Owner of Real Property and the Owner of the Facility. Aren't the Owners, as defined in the regulations, those who own the land and structures of the Facility? Who is responsible for Closure and Corrective Action in the event that Evergreen Oil, Inc. files for bankruptcy---as many DTSC facilities have done? How does this careful and deceptive parsing of ownership description affect all of the regulatory obligations accruing to ownership? Are Rosemary V. Engle, Carl W. Engle, and the Carl W. Engle Family Trust responsible for Closure and Corrective Action if Evergreen Oil Inc. is bankrupt? The existing regulations do not describe or define "Owner of Real Property" therefore it appears that DTSC is creating an underground regulation to satisfy the Facility and true Owner. Please explain why, DTSC's actions in this permit should not be considered an underground regulation and treated accordingly.

Response #1-2:

The term “owner”, as defined in California Code of Regulations, title 22, means the owner of all contiguous land and structures, other appurtenances, and improvements on the land used for the treatment, transfer, storage, resource recovery, disposal, or recycling of hazardous waste; the term includes both the owner of the real property where the facility is located and the owner of the facility. In addition, Item 9 on the Instruction for the RCRA Part A Application states that the term “owner” includes the real property owner. Under the federal and state hazardous waste management laws, the facility operator, the facility owner and the real property owner are jointly, severally and strictly responsible for the closure, post closure and corrective action at the facility. DTSC first looks to the facility operator for the implementation of the closure, post closure and correction action at the facility. In the event the facility operator fails or refuses to do so, the facility owner and/or the real property owner will be required to carry out the required work. This Permit does not include any “underground regulations”. The commentor is also incorrect in stating that the “careful and deceptive parsing of ownership description” was done to affect any regulatory obligation of the owner.

Comment #1-3:

Part III (2)(g) Please explain the difference between Operation Plan and Permit Application. Please explain where in the regulations the term Operation Plan is defined and used. Is the use of this term in an operative fashion another underground regulation practiced by DTSC?

Response #1-3:

The use of the term “Operation Plan” can be found in California Code of Regulations, Title 22, section 66260.10 which states “the Part B of permit application or part B meaning the operation plan described in sections 66270.14 through 66270.23 for a hazardous waste facility.” Sections 66270.14 through 66270.23 contain the general and specific requirements of the permit application. To the extent applicable, the term “Operation Plan” is synonymous with the term “Standardized Permit Application”.

Comment #1-4:

California Code of Regulations, title 22 requires that corrective action be specified in the permit. No schedule of compliance provided in the draft permit and there is no evidence that any form of corrective action mechanism, such as a Corrective Consent Agreement, exists. DTSC is clearly not satisfying the corrective requirements in the applicable statutes for issuance of this permit.

Response #1-4:

Evergreen Oil previously submitted a Phase I Environmental Assessment which describes any releases that may have occurred at the facility. Based on this assessment, DTSC has concluded that no corrective action is currently needed at the facility. In the event that corrective action may be needed in the future, the Permit contains a condition and a mechanism for implementing any required corrective action**.**

Comment #1-5:

Please explain whether corrective action is fence-line to fence-line on the entire Parcel occupied by the hazardous waste management units. It would appear that situating a hazardous waste management unit on a contiguous parcel makes that parcel the Facility and subjects the entire parcel to corrective action requirements. Please explain what statutes and regulations provide for in this situation.

Response #1-5

Health and Safety Code section 25200.10(b) provides that "any corrective action required pursuant to this section shall require that corrective action be taken beyond the facility boundary where necessary to protect human health and safety or the environment, unless the owner or operator demonstrates to the satisfaction of the department or the unified program agency, whichever agency required the corrective action, that despite the owner's or operator's best efforts, the owner or operator is unable to obtain the necessary permission to undertake this action."

California Code of Regulations, Title 22, Section 66261.10 further defines a "hazardous waste facility" to mean: "For the purpose of implementing corrective action under articles 6, 15.5, or 17 of chapter 14 or article 18 of chapter 15 of this division, all contiguous property under the control of the owner or operator seeking a permit under Title 22, Division 4.5 of the California Code of Regulations. This definition applies to all contiguous property of an owner or operator implementing corrective action at a facility under Health and Safety Code sections 25200.10 or 25187, or federal RCRA section 3004(u) [Title 42, U.S.C., section 6924(u)] or federal RCRA section 3008(h) [Title 42, U.S.C., section 6928(h)]. This definition also applies to all contiguous property of an owner or operator implementing removal or remedial action at an extra-large, large, medium, or small site where hazardous substances have been released or threaten to be released under Health and Safety Code sections 25187 or 25358.9 where as provided for under the provisions of that section the Department has excluded the removal or remedial action at a site from the hazardous waste facilities permit required by Health and Safety Code section 25201."

Comment #1-6:

Has corrective action financial assurance been established for the facility in accordance with the intent of Health and Safety Code (H&SC) §25200.10(b)? It is widely known that DTSC fails to comply with this statute, allowing permit applicants to defer the establishment of assurances of financial responsibility for corrective action at facilities. The usual means of deferral is through an enforcement order such as is cited in this draft permit. H&SC requires that, ***"When corrective action cannot be completed prior to issuance of the permit, the permit shall contain schedules of compliance for corrective action and assurances of financial responsibility for completing the corrective action."*** [H&SC §25200.10(b)] Title 22 states ***"That the permit or order [emphasis added] will contain schedules of compliance for such corrective action (where such corrective action cannot be completed prior to issuance of the***

permit) and assurances of financial responsibility for completing such corrective action." [Title 22 CCR §66264.101(b)] Currently DTSC fails to require assurance of corrective action financial responsibility in the permits that it issues. Has it failed again to require such ***assurances of financial responsibility*** for corrective action?

Response #1-6:

As the commentor pointed out, Health and Safety Code section 25200.10(b) provides that "when corrective action cannot be completed prior to issuance of the permit, the permit shall contain schedules of compliance for corrective action and assurances of financial responsibility for completing the corrective action." Since corrective action is not currently necessary at the Evergreen Oil – Santa Maria facility, the statutory requirement for financial assurance for corrective action is not applicable.

Comment #1-7:

Section IV – What were the dates of the previous tank integrity assessment certifications? Where is a compliance schedule for this Facility?

Response #1-7:

The previous tank integrity assessment certifications were performed on October 14, 1997. The current tank assessment certifications are dated April 24, 2008 which were submitted with the permit application. The tank assessments are to be performed every five years.

Comment #1-8:

Section IV – What were the construction standards applicable for the various secondary containments at this Facility?

Response #1-8:

The facility, including the secondary containment system, was constructed in accordance with the applicable provisions of the Uniform Building Code.

Comment #1-9:

Section IV – It appears that Unit #3 is not within the fenced and controlled access area. If this unit is a hazardous waste management unit, please explain how the physical layout complies with regulatory requirements for control. There is no explanation of how waste that may accumulate in the sump is to be taken care of nor any clean-up procedures for the unit between transfers to assure that access to the unfenced hazardous waste management unit does not result in potential exposure to the humans or biota.

Response #1-9:

Unit #3 is the Truck-to-Truck Transfer, Loading and Unloading area. California Code of Regulations, title 22, section 66264.14 requires the facility to prevent the unknowing entry, and minimize the possibility for the unauthorized entry, of persons or livestock onto the active portion of the facility, unless the facility can demonstrate that physical contact with the waste, structures, or equipment within the active portion of the facility will not injure unknowing or unauthorized persons or livestock which may enter the active portion of a facility.

This Unit is only used when tanker trucks are parked in this area while unloading their contents into the storage tanks, loading the tanker trucks from the storage tanks, transferring waste from containers to the storage tanks, or transferring waste from one tanker truck to another. After the loading or unloading activity is completed, the trucks depart. No hazardous waste remains in this Unit afterwards. The Unit-Specific Special Condition No. 1 for this Unit has been revised to read as follows:

"This Unit shall only be used for hazardous waste storage or transfer purposes when Permittee's personnel who are fully trained in the Facility's operations and procedures are present in the Unit."

This condition requires that Evergreen personnel be present at all times during any loading or unloading operations. The Evergreen employees will prevent any unauthorized person or livestock from entering this Unit. Since no hazardous waste will remain in the Unit after the trucks leave, there is no possibility for unknowing or unauthorized persons to be injured by physical contact with any hazardous waste.

This Unit is also surrounded by a berm which prevents any hazardous waste from leaving the area. It is also sloped toward a sump which when full, is pumped into either a storage tank or tanker truck. If any spills were to occur, the Evergreen employees will take corrective action to prevent offsite mitigation of the waste and implement any needed cleanup or emergency procedure.

Comment #1-10:

Please explain why the Permittee is not allowed to stack containers as many other facilities have been allowed to do? Is this another change in DTSC policy?

Response #1-10:

The Permittee will only manage ten 55-gallon drums or containers within the permitted drum storage area. DTSC did not see the need nor did the Permittee request authorization to double-stack containers.

Comment #1-11:

Does prior to accepting mean prior to the used oil being placed into the tanker or does the tanker wait in the unfenced hazardous waste management Unit 3 while the tests are being performed? Is the GWPW being used to satisfy permittee determination? Who certifies that the sample is representative---the Generator or the Permittee? What do

you mean by repeating the test every 365 days? Does this mean that for any generator analysis needs to be done only on that basis? Please explain how this is protective of human health and the environment. What constitutes acceptance? How long would such a wait be? Would there be personnel around the truck providing security? Isn't the presence of the tanker truck in the hazardous waste management unit acceptance? If not, why not?

Response #1-11:

In accordance with California Code of Regulations, title 22, section 66279.10(a)(4) and this Permit, used oil transfer facilities shall determine, prior to accepting used oil, whether the used oil contains more than 1,000 ppm total halogens by testing each shipment of used oil for total halogens. Used oil arrives at the facility in tanker truckers and is received. A sample of the waste is taken and waste analysis is performed. If the used oil meets the criteria in the waste analysis plan, it is unloaded into the storage tank. The term "acceptance" means that the used oil has been received and passed the criteria in the waste analysis and is ready to be unloaded to the storage tank. Evergreen Oil personnel will be present at all times during the waste analysis and unloading operations.

The Generator Waste Profile Worksheet (GWPW) is a form developed by the Permittee to be used by the generator to obtain information on the generator's waste stream. Prior to accepting waste from a generator for the first time, the Permittee requires the generator to submit a GWPW. The GWPW includes information concerning the generator, the waste stream source and characteristics, laboratory analysis, and a certification signed by the generator. The certification would include that any sample used in the lab analysis is representative of the waste stream. The GWPW is used in conjunction with the procedures in the waste analysis plan to ensure that the waste can be accepted by the facility. The use of the GWPW is consistent with California Code of Regulations, title 22, section 66264.13(a)(2)(B).

As stated above, the GWPW is submitted by the generator to the Permittee prior to the first shipment of waste being sent to the facility. If the generator wishes to continue the business arrangement with the Permittee, the generator is required to update the GWPW at least annually or whenever the characteristics of, or the process generating, the waste stream has changed.

Comment #1-12:

Why is the Permittee allowed to accept used oil with 1000 ppm of total halogens? Halogens vary in toxicity, shouldn't this be factored in to the allowable amount, if any?

Response #1-12:

The Permittee is not allowed to accept used oil that contains more than 1000 ppm of total halogens. Permit conditions V.1.(b)(1)(A) clearly states that if the Permittee determines that a load of used oil contains more than 1000 ppm of total halogens, the Permittee shall reject the load unless it can rebut the rebuttable presumption.

Comment #1-13:

Why are PCBs in waste oil exempted from the "fingerprinting" on incoming shipments but analyzed on outgoing loads? This appears to give the Facility the ability to dilute PCBs in one truckload by mixing with non-PCB containing truckloads. Does such dilution constitute treatment? Is this why DTSC is apparently turning a blind eye to incoming PCBs?

Response #1-13:

Polychlorinated biphenyls (PCB) are one of several environmental analytes that are not composed of single compounds but rather groups of related compounds. Because the user is looking for a number of different compounds, he or she must be aware of exactly what a particular analytical technique is detecting. Field screening methods usually do not quantify individual compounds when testing for PCBs but make an estimate based on one or more characteristics of the target analyte. Field testing methods may give results that differ from other test methods even though they are operating exactly as designed. Therefore, it is impractical to require fingerprinting of incoming loads for PCBs. The preferred technique would be to test for PCBs in a laboratory using established methods such as gas chromatography (GC). GC is an excellent technique for quantifying PCBs because it separates out different congeners and quantifies them individually, alerting the analyst to any Aroclor mixtures. DTSC recognizes the limitation of field testing methods in detecting and accurately quantifying the concentration of PCBs. DTSC also recognizes that it may be impractical or cost prohibitive to require used oil transfer facilities such as Evergreen Oil – Santa Maria to establish laboratories in their facilities. DTSC therefore wanted to provide the Permittee with flexibility to have the waste tested at the receiving facility rather than at the Permittee's Facility, but with enough safeguards to ensure the integrity of the process.

The Permittee is allowed to consolidate several loads of used oil in the storage tanks before testing for PCBs. When the storage tank is full or the used oil is ready to be shipped offsite to an authorized facility, a sample is taken from the storage tank and tested for PCBs to determine whether the concentration of PCBs is 2 ppm or greater. The "2 ppm or greater" requirement is a screening procedure that enables the Permittee not to have to test each individual load for concentrations of PCBs at or above 5 ppm. The Permittee has requested authorization from DTSC to operate a hazardous waste facility to accept and store used oil as defined in Health and Safety Code, Section 25250.1. One of the standards for used oil is that it cannot contain PCBs at 5 ppm or greater. As the operator of an offsite hazardous waste facility, the Permittee is required to perform waste analysis in accordance with California Code of Regulations, title 22, section 66264.13 to ensure that the waste accepted meets the definition of used oil. This is usually accomplished by testing. Rather than requiring the Permittee to test each incoming load of used oil for PCBs to ensure it meets used oil standards, DTSC developed the practical procedure provided in this Permit that allows the facility to accept incoming loads of used oil and consolidate the used oil into larger storage tanks. Once an adequate quantity of used oil has been accumulated and is ready to be shipped offsite, the Permittee is required to sample the storage tank and test for PCBs.

A screening level of 2 ppm was chosen to account for the dilution of consolidating many loads of used oil into larger storage tanks. To increase flexibility for the facility, DTSC has allowed for testing of the storage tank onsite or testing of the outgoing loads at the receiving facility. Thus, DTSC has provided an approach that is practical and alleviates the otherwise greater burden being placed on the Permittee, provided that certain conditions are met.

Comment #1-14:

Please explain in plain language the concept of rebuttable presumption and explain what statutes control its application in this instance. It seems like this condition recites the regulations? Is this so?

Response #1-14:

Used oil containing more than 1,000 ppm total halogens is presumed to be a RCRA hazardous waste because it has been mixed with halogenated hazardous waste listed in Subpart D of Part 261, Title 40, Code of Federal Regulations.

The concept of rebuttable presumption means that the Permittee may refute the belief based on reasonable evidence that the used oil, even though it has been shown to contain more than 1000 ppm of total halogens, has not been contaminated with halogenated hazardous waste listed in Subpart D of Part 261, Title 40, Code of Federal Regulations by demonstrating through analytical testing or offering opposing evidence or arguments. Even though the used oil may contain more than 1000 ppm of total halogens, the type of halogens involved may not be one which would render the used oil to be classified as a RCRA hazardous waste.

Comment #1-15:

How does DTSC intend to determine intentional mixing?

Response #1-15:

DTSC will thoroughly review the facility's operating records and manifests to ensure that the Permittee is not intentional mixing used oil with any hazardous waste.

Comment #1-16:

Please explain the 2 PPM limitation on PCBs in oil from each storage tank?

Response #1-17:

The "2 ppm or greater" requirement is a screening procedure that enables the Permittee to not have to test each individual load for concentrations of PCBs at or above 5ppm. (See also Response to Comments #1-14).

Comment #1-18:

Why is a second sample taken if the first indicates PCBs in excess of 2 PPM?

Response #1-18:

A second sample is taken and tested to ensure the result of the first sample was not in error and to confirm the result of the first test.

Comment #1-19:

Why is there a 5 PPM limit on the retained sample but a 2 PPM limitation on the tank being emptied?

Response #1-19:

As stated in Response to Comment #1-17, the "2 ppm" is a screening level. If it is confirmed that the tank to be unloaded has a PCB concentration of greater than 2 ppm, then this is an indication that the facility may have accepted used oil contaminated with PCBs at a concentration higher than the "5 ppm" allowed by State law. At this point, the Permittee would have to determine whether any trucks unloaded PCB-contaminated used oil into the storage tank. The Permittee would test the retained samples from each truck to determine if any of the retained samples has PCBs at concentrations greater than 5 ppm. Used oil as defined in California Health and Safety Code section 25250.1 can not contain PCBs at concentration greater than 5 ppm. If any of the retained samples has a PCB concentration greater than 5 ppm, then the entire storage tank would have to be managed as PCB-contaminated oil. If none of the retained samples contain PCBs at concentration greater than 5 ppm, the content of the storage tank may be managed as used oil.

Comment #1-20:

It appears that additional oil can be added to dilute a tank after an analysis and the only requirement is that another analysis be made. Is this so?

Response #1-20:

Once a tank is full and ready to be shipped offsite to an authorized facility, the Permittee is required to test the used oil to ensure it does not contain PCBs at concentrations greater than 2 ppm. If the test results confirm that PCBs is not present at concentration greater than 2 ppm, the Permittee may unload part of or the entire content of the storage tank for shipment offsite. If the Permittee chooses to unload only part of the used oil in the storage tank for shipment offsite to an authorized facility, the Permittee may then place additional quantities of used oil into the storage tank up to the maximum permitted capacity. The Permittee would have to test the used oil in the storage tank again prior to unloading any of the used oil for shipment offsite. There is no difference as a matter of principle in doing this than if the Permitted emptied the entire tank and then refilled the tank to capacity with used oil. The Permittee still would have to test the used oil for PCBs prior to any unloading.

Comment #1-21:

Please explain why the special conditions are so detailed. Could it be that the Permittee's application---especially the waste analysis plan---lacks all of this information? If so, please explain why another notice of deficiency was not issued and an adequate application obtained? Does this have anything to do with the permit renewal team's requirement to speed up processing of applications?

Response #1-21:

The special conditions were developed by DTSC to allow the facility some flexibility in its testing requirement but still ensure that human health and the environment are protected. The special conditions are written in detail to avoid any misinterpretation and so that it can be legally enforced by DTSC.

The mission of the Permit Renewal Team is to expedite the processing of permit applications while maintaining the integrity and following the legal and technical requirements of the process. All applications are thoroughly reviewed to ensure that they meet all the applicable standards in California Code of Regulations, title 22 and the California Health and Safety Code.

Comment #1-22:

Given the issue of corrective action and past releases, why are the testing data only being retained for 3 years?

Response #1-22:

Condition V.2.(e) will be revised as follows:

"The Permittee shall keep all documentation for PCBs testing until closure of the facility for at least three years, including but not limited to; (1) the written instructions to the receiving facility; (2) the written test results provided by the receiving facility that show that the used oil load has been tested for PCBs in accordance with paragraph V.2(b)(2) or test results obtained by the Permittee in accordance with paragraph V.2(b)(1); (3) test results for retained samples that were conducted in accordance with paragraph V.2(b)(1)(E) and paragraph V.2(c); and (4) the certifications required by paragraph V.2(b)(2)(G). The Permittee shall make the documentation available for inspection upon DTSC's request."

Comment #1-23:

Please indicate whether or not environmental monitoring is on-going at the facility. If it is, why is it not included in this Permit?

Response #1-23:

Environmental Monitoring is only required for a surface impoundment, waste pile, land treatment unit or landfill. Evergreen Oil – Santa Maria is not such a facility. Therefore, environmental monitoring is not required.

Comment #1-24:

DTSC should specify what corrective measures are acceptable with respect to fixing cracks, gaps, or tears in the containments.

Response #1-24:

It is not appropriate for DTSC to pre-proscribe what corrective measures are to be used since corrective measures are performed or applied on a case-by-case basis. For example, if the floor developed a hair-lined crack, it may be as simple as filling the crack and reapplying the chemical resistant coating. A growing gap may call for a different corrective measure which may include replacing the entire concrete slab. It will depend on the situation.

Comment #1-25:

Where will the Permittee collect and store all rainwater and washwater from the authorized units? How will it be handled during determinations? Will it be considered a different waste stream? Please explain what manage accordingly means. How does such storage affect maximum capacity limitations? How can the facility be kept locked if hazardous waste management unit #3 is not fenced and gated?

Response #1-25:

The Permittee is currently allowed to storage non-RCRA wastewater. The Permittee is required to test the rainwater and washwater to determine if it is hazardous waste. If it is hazardous waste, the rainwater and washwater will be managed as non-RCRA wastewater and pumped into the non-RCRA wastewater storage tank or will be collected directly into vacuum trucks. The non-RCRA wastewater will then be shipped offsite to an authorized treatment or disposal facility. If the rainwater and wastewater is not hazardous waste, the Permittee can allow the water to evaporate or discharge the water to the sewer system. (See also Response to Comments #1-9.)

Comment #1-26:

Explain why the Permittee has not already coated the secondary containment? Have they been issued a violation for this in the past?

Response #1-26:

The regulations do not require the Permittee to coat the secondary containment system. California Code of Regulations, title 22, section 66264.193(b) requires secondary containment to be (1) designed, installed, and operated to prevent any migration of wastes or accumulated liquid out of the system to the soil, groundwater or surface water

at any time during the use of the tank system; and (2) capable of detecting and collecting releases and accumulated liquids until the collected material is removed. The secondary containment system at the facility currently meets these requirements. However, to enhance the safety of the secondary containment system, DTSC is requiring the Permittee to apply a chemical resistant coating to the secondary containment system.